

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

LUZ ELENA AGUIRRE *et al.*,

Appellants,

v.

R. TODD NEILSON,

Appellee.

(Appeal from *Neilson v. Aguirre (In re Cedar Funding, Inc.)*, Bankr. N.D. Cal. (San Jose)  
Case No. 08-52709 CN, Adv. No.  
09-05225 CN)

Case No. 5-11cv00233 RMW

**[ ] ORDER GRANTING JOINT  
MOTION TO DISMISS APPEAL**

Judge: Hon. Ronald M. Whyte

The parties having filed a Joint Motion to Dismiss Appeal on terms agreed to, such relief being authorized under Rule 42(b) of the Federal Rules of Appellate Procedure as made applicable by Local Rule 8007-1(d) of the Bankruptcy Court for the Northern District of California, and good cause appearing therefor,

IT IS HEREBY ORDERED that:

1. The Partial Final Judgment Pursuant to Fed. R. Civ. P. 54(b) of the Bankruptcy Court in Adv. P. No. 09-05225 CN [Bankr. N.D. Cal. ECF No. 58] is VACATED;
2. This appeal is DISMISSED; and
3. The case is REMANDED to the Bankruptcy Court for further proceedings.

1 The parties are to bear their own costs.

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3 Dated: Urgo dgt "47."4234

  
RONALD M. WHYTE  
United States District Judge